

**TOWN OF GILBERT
PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
AUGUST 5, 2020**

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
David Cavenee
Noah Mundt
Jän Simon
Philip Alibrandi, Alternate
Nathan Mackin, Alternate

STAFF PRESENT:

Eva Cutro, Planning Division Manager
Amy Temes, Principal Planner
Ashlee MacDonald, Principal Planner
Stephanie Bubenheim, Senior Planner
Sydney Bethel, Planner II
Keith Newman, Planner II
Josh Rogers, Planner II
Nancy Davidson, Assistant Town Attorney

COUNCIL LIAISON PRESENT:

Scott September

RECORDER:

Dana Desing

PLANNER	CASE	PAGE	VOTE
Amy Temes	S20-06	3	Approved
Amy Temes	DR20-67	4	Approved
Sydney Bethel	DR20-33	4	Approved
Sydney Bethel	DR20-24	5	Continued
Ashlee MacDonald	S20-03	5	Approved
Keith Newman	Z20-04	6	Approved
Josh Rogers	DR20-04	5	Approved
Sydney Bethel	DR20-58	10	Approved
Ashlee MacDonald	UP20-03	11	Approved
Ashlee MacDonald	DR16-25-B	12	Approved

Options were available for members of the public to participate in or attend the meeting remotely as listed in the meeting agenda.

CALL TO ORDER OF REGULAR MEETING

Chair Brian Andersen called the August 5, 2020 Regular Meeting of the Planning Commission to order at 6:41 p.m.

PLEDGE OF ALLEGIANCE

Chair Andersen led the Pledge of Allegiance

ROLL CALL

Planning Division Manager Eva Cutro called roll and declared that a quorum was present.

9. APPROVAL OF AGENDA

It was recommended that Item 18. DR20-04 GUARDIAN STORAGE be moved to the Public Hearing (Consent) agenda. There was agreement among the Commission. Chair Andersen called for a motion to approve the agenda.

MOTION: Vice Chair Bloomfield moved to approve the Agenda with the recommended changes; seconded by Commissioner Cavenee. **Motion passed 7-0.**

COMMUNICATIONS

10. COMMUNICATION FROM CITIZENS

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

All of the lines were opened for public comment.

Doralise Machado Liddell has been a Gilbert resident for 25 years and resides in the Lacy Tract in the Heritage District. She was attending the meeting by phone and advised that she was not able to view the presentation by the Economic Development Director so that portion was not available to the public through Channel 11. She appreciated that the item on the Heritage District Design Guidelines was continued. She noted the lack of input from the residential owners in the Lacy Tract on those guidelines. The town has been working on the draft of the design guidelines for over 18 months and have not had any meetings with property owners in the Lacy Tract, who will be greatly impacted by the Design Guidelines. She understood that the department has reached out to developers for their input into the Design Guidelines. She was extremely concerned that the town would even listen to the residents because even though the Redevelopment Plan was stated to not affect private property owners, that is not so. Ms. Machado Liddell lives within the Redevelopment area and noted that the town has a lot of leeway and could ultimately claim imminent domain on her property. It is very important that the town listen to the property owners. She hoped she would not come back before the Planning Commission and find that this pattern has not changed. She hoped that the town will hold meetings in order to get input from the residents.

Chair Andersen asked that staff connect with Ms. Machado Liddell regarding her concerns. Planning Division Manager Eva Cutro believed that staff has already spoken with Ms. Machado Liddell, although they will reach out to her again.

11. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Councilmember Scott September reported that at next Tuesday's Council hearing as well as the next Planning Commission hearing, a limited public attendance will be allowed in the Council Chambers not to exceed 50 people. He thanked Dan Henderson for presenting the vision for our historic district. He was excited for everyone to see it.

Chair Andersen asked if members of the public who wished to address the Commission on specific cases would have first priority to attend in person or would it be on a first come basis?

Councilmember September advised that staff will help direct the public if there are more than 50 people to make sure the ones who need to be in the Council Chambers for specific items can be, and when they are done they can make room for others to be present.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission/Board may, by a single motion, approve any number of items where after opening the public hearing no person requests the item be removed from the consent calendar. If such a request is made, the Commission/Board shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Chair Andersen read the consent calendar items and noted the addition of Item 18. DR20-04 Guardian Storage to the consent calendar.

12. S20-06 VAL VISTA SQUARE REPLAT-PARCEL 1B AND MAIN STREET COMMONS PARCEL 5: Request to approve a Preliminary Plat and Open Space Plan for Val Vista Square, on approx. 34.11 acres located at the southeast corner of Val Vista Drive and Pecos Road in the Regional Commercial (RC) and Multi Family / High zoning districts with a Planned Area Development overlay district.

STAFF RECOMMENDATION

Approve the Findings of Fact and S20-06, Val Vista Square: Preliminary Plat and Open Space Plan for Gilbert Growth Properties for a commercial subdivision on approximately 29.25 acres, generally located at the southeast corner of Val Vista Drive and Pecos Road in the Regional Commercial (RC) and Multifamily/High (MF/H) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.

- a. The Final Plat and Open Space Plans for Val Vista Square and construction of the project shall be in substantial conformance with Exhibits 4, 5 and 6 approved by the Planning Commission/ Design Review Board at the August 5, 2020 public hearing.
- b. Future proposed signage complying with the Land Development Code shall conform to the Val Vista Square Master Sign Plan. Amendments may be approved administratively by Planning Staff prior to submitting for sign permits.

- 13. DR20-67 NOVEL VAL VISTA SQUARE: Site plan, landscaping, elevations, floor plans, lighting, and colors and materials for approximately 9.1 acres, generally located at the southwest corner of Rome Street and Pecos Road, and zoned Multi-Family / High (MF/H).**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-67, Novel at Val Vista Square: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 9.1 acres, generally located at the southeast corner of Rome Street and Pecos Road and zoned Multifamily/High (MF/H) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits if not consistent with the Val Vista Square MSP.
4. All exterior decorative metal including screening, lighting and fencing shall be bronze.
5. Perforated metal panels shall be no greater than 20% open.
6. All required private open space shall be screened.
7. Truncated domes shall be installed at pedestrian crossings and addressed in construction documents.
8. A fire plan with designated fire apparatus routes shall be enlarged from 25' to 26' to meet 2018 IFC Appendix D103 and shall be addressed in construction documents.
9. The separation between buildings shall meet IBC Table 602 and shall be addressed in construction documents.
10. All buildings shall provide fire sprinklers, riser rooms and FDC per TOG Fire Code Amendment 903.2(8). U occupancy over 3,000 sq.ft. shall be addressed in construction documents.
11. Second Review Grading and Drainage comments Shall be addressed to meet Town requirements during construction documents.
12. Awning and carport covering materials shall be constructed of a solid material.
13. All mechanical equipment shall be fully screened by an approved screening enclosure or below the parapet height as measured from the roof surface to the top of equipment.

- 14. DR20-33 UND AEROSPACE FOUNDATION DEVELOPMENT: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 9.2 acres, generally located at the northwest corner of Williams Field Road and Somerton Boulevard, and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-33, UND Aerospace Foundation Development: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 9.2 acres, generally located at the northwest corner of Williams Field Road and Somerton Boulevard, and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.

2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
 3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
 4. A 19' Roadway Easement along Williams Field Road, running the length of the property, is required to be recorded prior to the issuance of building permits to accommodate the required bus shelter.
- 15. DR20-24 RECON OFFICE BUILDING: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 0.75 acres, generally located at 62 South William Dillard Drive, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Move to continue DR20-24, Recon Office to September 2, 2020.

- 16. S20-03 CORDILLERA VISTA ESTATES: Request to approve Preliminary Plat and Open Space Plan for Vestar, for 118 home lots (Lots 1-118) on approx. 39.91 acres located at the southwest corner of Higley and Riggs Roads in the Single Family - 6 (SF-6) and Single Family-8 (SF-8) zoning district with a Planned Area Development (PAD) overlay zoning district.**

STAFF RECOMMENDATION

S20-03 Cordillera: Request to approve Preliminary Plat and Open Space Plan for Vestar, for 118 home lots (Lots 1-118) on approx. 39.91 acres located at the southwest corner of Higley and Riggs Roads in the Single Family-6 (SF-6) and Single Family-8 (SF-8) zoning district with a Planned Area Development (PAD) overlay zoning district, subject to the following conditions.

1. The Final Plat and Open Space Plans for Cordillera and construction of the project shall be in substantial conformance with Exhibit 5, Preliminary Plat and Exhibit 6, the Open Space Plan approved by the Planning Commission/ Design Review Board at the August 5, 2020 public hearing.
- 18. DR20-04 GUARDIAN STORAGE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.11 acres, generally located west of the northwest corner of Power and Pecos Roads, and zoned General Commercial with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-04, Guardian Storage: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 3.11 acres, generally located at the west of the northwest corner of Power and Pecos Roads and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay, subject to conditions:

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.
- b. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
- c. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.

- d. The required parking lot screen wall detail shall be approved by the Planning Department prior to construction documents.
- e. Outdoor light fixtures shall not produce a level of illuminance at the property line which exceeds .3 foot-candles.

Chair Andersen called for a motion to approve the Consent Calendar items.

MOTION: Vice Chair Bloomfield moved to recommend approval of Consent Agenda Items **12. S20-06** Val Vista Square Replat-Parcel 1B and Main Street Commons Parcel 5, **13. DR20-67** Novel Val Vista Square, **14. DR20-33** UND Aerospace Foundation Development, **15 R20-24** Recon Office Building, **16. S20-03** Cordillera Vista Estates, and **18. DR20-04** Guardian Storage; seconded by Commissioner Cavenee. **Motion passed 7-0.**

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so by filling out a public comment form indicating the Item Number on which to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

- 17. Z20-04 THE CARSON: Request to amend Ordinance No. 2756 to amend the development plan and conditions of approval within The Carson Planned Area Development (PAD) overlay zoning district for approx. 2.85 acres of Multi-Family/Medium (MF/M) zoning district generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr.**

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z20-04 a PAD Amendment for The Carson on approx. 2.85 acres, generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr. and currently zoned Multi Family/Medium (MF/M) with a PAD overlay, subject to the following conditions:

- a. Dedication to Gilbert for Gilbert Road rights-of-way that are adjacent to the Property shall be completed prior to any Town approval to construct any part of the Project or sooner as required by the Town Engineer. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- b. Dedication of Gilbert Road rights-of-way that are adjacent to the Property shall extend 70 feet from the monument line. The western 5 feet of the 70-foot dedication shall be in the form of a public roadway easement.
- c. Construction of off-site improvements to Gilbert Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Gilbert, whichever is earlier.
- d. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- e. To the extent that any landscaping, open space, recreational facility, private street, utility, or other

facility is held in common ownership, Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of said areas as required by the Town of Gilbert Land Development Code."

- f. To the extent that any landscaping, open space, recreational facility, private street, utility, or other facility is held in common ownership, Developer shall record easements to be owned by the POA for pedestrian, bicycle or trail system purposes if required by the Town Engineer.
- g. Prior to Town approval to construct any part of the Project, Developer shall pay for its proportional share of water and sewer mains benefitting the Property as required by the Town Engineer.
- h. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Site Development Regulations	Approved per Ordinance No. 2756 MF/M PAD
Minimum Building Setbacks (ft.)	
Side (Adjacent to Single family residential zoning district)	12'
Minimum Perimeter Landscape Area (ft.)	
Side (Adjacent to Single family residential zoning district)	12'
Separation between Buildings (ft.) Single or two story	7'
Minimum Height of Solid Separation Fence (LDC – 4.109.A.2 (a)(b))	1. North Property Line: 8' high masonry wall 2. West Property Line: 8' high masonry wall 3. South Property Line: No wall

- i. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.
- j. Prior to the issuance of the first certificate of occupancy for the project, the Developer shall record a restrictive covenant on the Property as well as requiring a provision in the lease agreement with future tenants, that requires resident vehicle(s) to be parked in the garages to keep the outdoor parking spaces for visitor vehicles. Enforcement of the parking restrictions described in this condition shall be the responsibility of the POA or the Developer's designated property manager. Nothing in this condition shall be interpreted to restrict emergency vehicles or to prohibit the parking of public service and public safety emergency vehicles pursuant to A.R.S. § 33-1809.
- k. Developer agrees to landscape the 18' SRP easement adjacent to the southern boundary as part of its fence modification request. Developer shall be required to provide said landscaping within the 18' SRP easement adjacent to the southern property boundary, which shall be coordinated with SRP and installed at the time of development of the Property.
- l. Trees and shrubs shall be planted along the entire south side of Unit #1 in the southwest corner of the property to screen the building from adjacent residents.

Chair Andersen recused himself from this item. Vice Chair Bloomfield opened the public hearing and invited staff to make a presentation.

Planner Keith Newman presented Z20-04 The Carson PAD Amendment. This is a companion application to the Design Review application presented in tonight's Study Session. The Carson is located across from

the Public Safety Complex and south of the Gilbert Town Square Shopping Center. This development was approved for PAD zoning by the Town Council on April 7, 2020, and it was annexed and had an associated General Plan Amendment. It was rezoned to MF/M with a PAD overlay to reduce the building and landscape setbacks from 30' and 20' to 12' and to eliminate the required separation wall in exchange for additional landscaping to be planted in the 18' SRP parcel along the southern boundary of the property.

The previously approved development plan was shown for comparison. After approval of the annexation, General Plan Amendment, and rezone, and after the property was purchased, the owner was notified by SRP that the 18' easement could not be landscaped due to a historic designation placed on the ditch in 2001 and that the ditch now had to be left above ground as it currently exists. The ditch is unable to be piped underground without the historic designation being removed, which is a lengthy and uncertain process. Consequently, the owner has redesigned the site to relocate all of the buildings that were previously approved at 12' from the property line further to the north, resulting in the buildings being approximately 100' away from the southern property boundary. Due to the relocation of the buildings, landscaping, and amenities, staff has determined that the new development plan is not in substantial conformance with the development plan previously approved by Town Council and that a PAD amendment was to be required. It is important to note that this request does not seek to amend any of the previously approved development standards.

The 12' landscape and building setbacks along the southern property boundary will remain. The applicant is proposing to install a 6' view fence along the southern boundary of the property in order to provide security for the residents adjacent to the SRP ditch, which will remain above ground. The deviations previously approved were justified by the building's orientation and the landscaping buffers provided as a result of the ability to underground the ditch. In order to maintain similar benefits to the property that were previously approved, staff has worked with the applicant to provide a significant amount of landscaping along the southern boundary which includes the relocated site amenities, additional trees, and screening for Unit 1. Since the application was submitted, the applicant has received approval from SRP to landscape the 18' SRP easement with low lying shrubs that are drivable, but no trees. All of the trees will be within the site. A more detailed landscape plan will be presented at the next public hearing.

The same deviations will remain in place. Staff has not had any correspondence from the neighbors. A neighborhood meeting was held a few months ago although no one attended. The only concerns brought up when the previous zone change came before the Commission were traffic concerns at the main entrance and along Gilbert Road. A traffic study was done that required no additional improvements to Gilbert Road nor traffic signalization.

Staff requests that the Planning Commission forward a favorable recommendation to Town Council for this item with some modifications to the conditions of approval to provide flexibility in the event that SRP no longer allows for landscaping to be planted in the 18' easement, and to ensure that trees and shrubs are provided as screening for Unit 1, as that is not shown on the current landscape plan. The modified conditions are listed below:

- k. Developer agrees to use its best efforts to landscape the 18' SRP easement adjacent to the southern boundary as part of its fence modification request. Developer shall ~~be required~~ use its best efforts to provide said landscaping within the 18' SRP easement adjacent to the southern property boundary, which shall be coordinated with SRP and installed at the time of development of the Property.
- l. Trees and shrubs shall be planted along the entire south side of Unit #1 in the southwest corner of the property to screen the building from adjacent residents.

Commission Comments/Questions

Commissioner Cavenee asked what the above-ground piping will look like and how it will be installed?

Mr. Newman stated there is an existing concrete ditch today that will remain in its current form. The previous plan was to remove the concrete and place pipes underground. Now the ditch will remain above ground as it is today.

Commissioner Alibrandi suggested this issue be a red flag moving forward in order to make sure we are not surprised by this again. He did not know how many historic ditches there may be in Gilbert.

Commissioner Simon was in favor of the project and felt the applicant did a good job of readjusting the plans.

APPLICANT PRESENTATION

Commissioner Cavenee invited the applicant to make a presentation.

Applicant Sean Lake, Pew & Lake, PLC, stated the ditch is located on their property and that the historic designation was submitted without consulting the property owner. They were very surprised that this happened. He was only aware of one other historic ditch in the East Valley. They have tried to make the best of a difficult situation and staff has done a great job in outlining their proposal. They will work with SRP to landscape and clean up around that historic ditch so that it will look attractive moving forward between the north wall of the residences and this project. The intent is to make it look seamless as well as safe. He felt the current plan was a much better design and pushes further away from the residential. He would be happy to answer any question and confirmed their agreement with the revised conditions presented by staff.

Public Comment

Vice Chair Bloomfield opened the floor for public comment. All of the lines were opened although there were inaudible comments. Otherwise, there were no comments from the public. Vice Chair Bloomfield closed the public hearing.

Commission Discussion

Commissioner Mundt remembered this item from a few months ago and recalled that it was explicitly stated that there was SRP support to do this. He understood that it might be a tricky situation. He could also understand how a designation like this could be somewhat under the radar. He felt the applicant has done a significant amount, and as long as we can hold some accountability to that best effort, he felt it was a good idea.

Commissioner Cavenee understood that SRP did give their blessing and then came back after the fact and

acknowledged the historic element. He believed the developer has gone out of their way to tweak the site to make it fit with the historic requirement. He did not see any other alterations that would change our previous approval and he will vote in favor of this item.

MOTION: For the reasons set forth in the staff report, Commissioner Alibrandi moved to recommend approval to the Town Council for Z20-04, as requested, subject to the conditions listed in the staff report and the modifications to Conditions k. and l. as listed above; seconded by Commissioner Mundt. **Motion passed 5-0**, with Chair Andersen recused and Commissioner Simon absent for the vote.

19. DR20-58 ACERO VAL VISTA: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 14.9 acres, generally located at the northeast corner of the Melrose Street alignment and Quartz Street, and zoned Multi-Family/Medium (MF/M).

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-58, Acero Val Vista: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 14.9 acres, generally located at the northeast corner of the Melrose Street alignment and Quartz Street, and zoned Multi-Family/Medium (MF/M), subject to conditions:

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.
- b. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
- c. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
- d. Parking lot light poles located within the 30" parking overhang shall be relocated out of the overhang area.

Chair Andersen recused himself from participating on this item. Vice Chair Bloomfield opened the public hearing and invited staff to make a presentation.

Planner Sydney Bethel presented DR20-58 Acero Val Vista. The subject site is approximately 14.88 gross acres and is located at the northeast corner of the Melrose Street alignment and Quartz Street. Melrose is a future street where a half street will be built with this project. The request is a Design Review application to construct a new multi-family development. The applicant is proposing a new 328-unit multi-family development with a combination of 1, 2, and 3 bedroom units with a density of approximately 22 DU/Acre. The project has a total of 13 proposed residential buildings along with 7 carriage unit buildings. The residential buildings will be located along Quartz and Melrose Streets and internal to the site with the carriage units located predominantly along the northern and eastern borders of the site. The clubhouse is located just beyond the main entry point off of Melrose and a secondary amenity area will be located on the western portion of the site to provide a balance of amenities for all residents. The primary access will be off of Melrose Street with a second exit-only access located on the western portion on Quartz Street. Sidewalks are provided internally to the site and also connect externally onto Quartz and Melrose Streets. This project came before the Commission at Study Session back in May with discussion to increase the pedestrian connectivity onto Quartz and Melrose. The applicant has added pedestrian connectivity onto Quartz with a pedestrian gate and additional sidewalks are provided onto Melrose. The project provides 40.32% open space which meets the requirements for the zoning

district. They are providing a robust palette of trees, shrubs, ground covers, cacti, and accent plants.

The proposed buildings include a combination of 1, 2, and 3 stories with a maximum building height of 40 feet. Per the applicant, the architectural theme is a modern contemporary style. The primary building material is stucco in a range of white and gray tones with a brick veneer in gray tones as the primary accent material. There are metal accents in both black and silver throughout the development on the window, railings, and stairwells. The applicant has provided a few items to address some of the concerns of staff and the Commission from the previous Study Session. They have added an additional tan accent color, modified the side elevation of Building 5 to increase the articulation, modified the clubhouse building to include a second story, added additional brick veneer to wing walls within the residential stairwells, and modified the garage doors with a contrasting color and windows. The elevations were reviewed for each building type along with the recent changes or additions by the applicant.

Staff is recommending approval of DR20-58.

Commission Questions / Comments

Commissioner Mackin noted that the Commission had a set of recommendations on this last time and looks a lot better. The project was warmed up with the color palettes. It was already a good project to begin with and it has gotten even better. He felt it looked great.

Public Comment

Vice Chair Bloomfield opened the floor for public comment. The lines were opened although there were no requests to speak from the public.

APPLICANT STATEMENT

Vice Chair Bloomfield asked the applicant if they wished to address the Commission.

The applicant stated they have been working hand in hand with staff and believed they have addressed all of the questions and issues. He had nothing further to add.

With no further discussion on the dais, Vice Chair Bloomfield closed the public hearing and called for a motion.

MOTION: Commissioner Cavenee moved to Approve the Findings of Fact and approve DR20-58, Acero Val Vista: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 14.9 acres, generally located at the northeast corner of the Melrose Street alignment and Quartz Street, and zoned Multi-Family/Medium (MF/M), subject to the conditions set forth in the Staff Recommendation; seconded by Commissioner Simon. **Motion passed 7-0.**

- 20. UP20-03 GILBERT CHRISTIAN SCHOOL - TITAN SOLAR FIELD: Request to approve a Conditional Use Permit for approx. 11.01 acres located at the northeast corner of Greenfield Road and Ryan Road to allow outdoor recreational field lighting in the Single Family-43 (SF-43) zoning district.**

STAFF RECOMMENDATION

Make the Findings of Fact and approve UP20-03, Gilbert Christian School, Titan Solar Field: a Conditional Use Permit for approximately 11.01 acres located at the northeast corner of Greenfield Road and Ryan Road to allow outdoor recreational field lighting in the Single Family-43 (SF-43) zoning district, subject to conditions:

1. The Project shall be in substantial conformance with the site plan and lighting plan shown on the Exhibits provided under Attachment Nos. 4 and 5.
2. All light fixtures shall be located out of the required landscape setback.

21. DR16-25-B GILBERT CHRISTIAN SCHOOL - TITAN SOLAR FIELD: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 11.01 acres, generally located at the northeast corner of Greenfield Road and Ryan Road, and zoned Single Family -43 (SF-43).

STAFF RECOMMENDATION

DR16-25B, Gilbert Christian School, Titan Solar Field: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 11.01 acres, generally located at the northeast corner of Greenfield Road and Ryan Road, and zoned Single Family -43 (SF-43), subject to conditions:

- a. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.
- b. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
- c. ~~All light fixtures shall be located out of the required landscape setback.~~

Chair Andersen opened the public hearing and invited staff to make a presentation.

Principal Planner Ashlee MacDonald presented UP20-03 and DR15-25B Gilbert Christian School - Titan Solar Field. Back in 2015, the Design Review Board approved the Gilbert Christian School located on the east side of Greenfield Road south of Germann and north of Ryan Road. Originally the project was approved at just over 8 acres. The applicant is seeking with the DR portion of the project to add an area to the Master Site Plan in order to expand their baseball field. The original Design Review did show a baseball field in this location, although it was smaller in size than what is currently being proposed. The applicant has entered into an agreement with the property owner to expand the outfield into the hashed area shown on the map. That would bring the total school campus to 11 acres with the addition of the 2.29 acres. The applicant is also requesting a use permit to allow for outdoor recreational field lighting in the SF-43 zoning district. That is a use that requires a use permit to ensure that we can mitigate any impacts of those light poles. They are proposing the addition of 6 light poles that are 70 feet high.

The baseball field is located in the northeast portion of the site. The only vertical construction within this project is an 8-foot wall that will surround the site. They will develop the field with turf and landscaping. Over the past week, staff has been in communication with a couple neighbors who had concerns with the proposed project. The area between the property line and the dashed line on the site plan is a 20-foot public access and ingress/egress easement as well as a utility easement. The applicant has proposed to relocate this access easement so that it would come from the north and down the east side to serve the residential lots to the south. Ryan Road is part of the UCD owned property and is not a roadway that provides access to the parcels to the south. There is a utility easement that serves water for the adjacent properties and further to

the north. That is one of the items of concern for the neighbors.

The 8-foot wall is the only permanent construction that is proposed. Mobile sport fencing will be rolled out as needed to delineate the outfield. Due to the relocation of the access easement, the proposed landscaping is not right on the perimeter of the site but is brought inward to provide the access easement as well as the required amount of landscape. Ballfield lighting is exempt from the Code as long as they are turned off by 10 p.m. and meets the shielding requirements. The proposed locations of the 6 light poles were reviewed. The applicant is proposing to utilize the Musco lighting system which is fully shielded for limited light spill. In approving a use permit, four findings of fact are required. If the Commission does approve this request, staff has suggested deleting Condition 2. This suggestion is based on the Code requirement that no lighting be installed within the landscape setback; however, that section of the Code does not apply to the use proposed so this condition can be removed. Also, if the Commission does approve DR16-25, staff requests that Condition 3 regarding the light fixtures be deleted and replaced as follows:

Condition 3: The applicant shall identify approximate location of water services lines, of unknown size, within the existing 20' utility easement with submittal of construction documents. Applicant is to ensure service maintenance and restoration of said water service lines at, or better than, pre-construction condition.

Commission Comments / Questions

Vice Chair Bloomfield felt it sounded odd to have an access easement that drives down and around the sports field making four 90-degree turns to get to the residences. It seems like an odd condition to make around a school ball field. It sounds like staff is okay with it. He was curious as to how we came to that conclusion.

Ms. MacDonald stated the applicant has worked with those property owners on the relocation of the access easement and can better answer that question. Staff has reviewed the documents and the revised easement language and are comfortable moving forward as it does still provide access to those properties.

APPLICANT PRESENTATION

Chair Andersen invited the applicants to make a presentation.

Applicant Randy Hilleboe stated we are clearly faced with an interesting site to work with to expand Gilbert Christian Schools. We have worked closely with the neighbors to the south to ensure that we can provide the access to their parcel that they require since they are not allowed to utilize Ryan Road. We have also worked with them to ensure that during construction the utility lines that run to the north will be protected. We have also made sure that we are utilizing some of the best field lighting with excellent shielding characteristics that allow the light to be focused on the field.

Applicant Jim Demarchais advised that this additional land is a lease we have with the land owner. The purpose of that land lease was for a baseball field and the land owner has been aware of that from the very beginning. We have been paying rent to that land owner for over a year. We will help with any issues with the utilities and we want to be a blessing to the community.

Commission Comments / Questions

Commissioner Mackin asked about the term of the lease agreement with the adjacent property owners. In the event that a future agreement for this is canceled or negated with that lease agreement, what other plans are in place for mitigating that to be able to alter this project in the event the lease agreement expires?

The applicant stated the lease agreement was completely designed for this purpose. We have no use for the land except for baseball. They were very happy to do it as it was part of their property that they were not even using that now they are receiving income for it. At their last meeting with the property owner, their comment was that they were looking forward to attending some of our baseball games. The term of the lease is nine and a half years through December 31, 2029.

Public Comment

Chair Andersen invited members of the public to provide any comments. All of the lines were opened.

Gina Lopez, 2495 E. Superstition Drive, stated her house is located north of the property in question about 2 acres away from this site. She supports this project and it truly needs to be a win for all parties involved. Her property should not be harmed in any way nor should she be negatively impacted by it. The applicant and Ms. MacDonald both mentioned that they have been in contact with neighboring properties, although they have not been in contact with her to the north nor her neighbor also to the north. We are the ones who will be drastically impacted the most. The water line referenced is a big deal because of the history of the property. The plot map shows a 10-acre orange grove and the old Gilbert farmland. This 10 acres of dirt and the 10 acres of orange groves were not subdivided properly and they are landlocked. There is a million-dollar house sitting to the south that is legendary in Gilbert because it didn't have water forever and still does not. The only way to get water to her house back in 2007 was to run a private water line all the way down the 5 acres that run from Superstition Drive down to Ryan Road and all the way out to Greenfield Road. That was approved by the town back in 2007 and again in 2009. It took her moving mountains to get water to her house. This water line is a big deal. She needs to be able to maintain her water line because it is a 2-inch PVC pipe that is buried under dirt. She walks her water line regularly to check for breaks. If there will be a brick wall that takes a huge chunk of her vision away from her water line, she cannot maintain it. That is impeding her right as she owns access to that easement and no one asked her about it or contacted her about it. For Ms. MacDonald to say that she has recently been in communication with her is not true. She has email correspondence with Ms. MacDonald explaining this issue and the history of the land dated May 21, two months ago. She was reassured that an ALTA survey would be done and that all the easements and history of the land would be looked at so they could figure out exactly what they were going to do with this easement. Everyone knew it was a problem. She did not hear anything for two months. A neighbor told her about today's meeting with these two items coming up for approval. Yet she won't be able to access her water line or maintain it. They will put in grass and irrigation and a brick fence, and there will be foot traffic. All of which will put her fragile 2-inch PVC water line at risk. That line is not always 2 feet underground. In some places, the line might be 18 inches down. It was done by hand. She had permission for this special accommodation because the land is landlocked.

Ms. Lopez had discussions in May with Ms. MacDonald to bring all of this to her attention. She questioned why due diligence wasn't found then to have a true understanding of what the water lines look like. She had permission from the town to install the water lines. The meters are on Greenfield Road. At some point there was a solution to relocate the ingress/egress, although she felt it was odd to have it run down the street and turn multiple times and enter a property on the other side. That did not sit right or feel right or look right. Why were the water lines not discussed at the same time as that relocation? Why were those involved, the applicant, developer, engineers, not involved with the other development going on in the same area? Because our land is landlocked, these 20 acres are a big deal. They are almost the only ones left that haven't been sold to a developer to come in with a master-planned community or housing development. Immediately to the north of that, a housing development is going in. As part of that process, she was kept in the loop. She was contacted by the planners and the property owner numerous times on coming up with a solution that would work that would truly help the rest of the acreage so it doesn't stay landlocked for future development. There is a water line going in at that property where it connects

with the Gilbert Christian School property. Why is that not part of our discussions now of relocating these water lines? Is that something that is feasible or doable. Can we all agree to something like that? None of those questions or comments or proposals have been brought to the property owners to the north. That is what is concerning to her. In the staff reports that were submitted for Items 20 and 21, It states there were no comments from the community. That is wrong. Ms. Lopez has communicated to Ms. MacDonald back in May, although it didn't go anywhere.

One of the four findings that are required states the proposed use will not be detrimental to the health, safety, and general welfare of persons living or working in the vicinity, adjacent to the property, to the neighborhood, or the general public. That is not true. Her enjoyment of her health is being put at risk by these water lines being covered, being walked on, and driven on by equipment that will cause breaks. She cannot get into the brick wall to access her lines. Will she have to pay someone to dig up the gravel or grass to access her lines? The legal description moving the easement has already been signed by the one property owner with the lease. There are four separate property owners in this area, but only one signed that lease. The legality of the legal description is in question because they are incorrect. The legality of the lease and the acreage are in question. That particular owner does not own 2.6 acres. She will be looking into that as well.

James Brice pointed out that when the Gilbert Christian School was putting in their wall, his line was broken twice. He contacted them to complain because their water was off. Their response was to have him send the last month's and this month's water bill and they will reimburse him. Now there are two more breaks in his water line, which is only 3 inches deep in some places. He bought this house and inherited all of the problems. He has had countless breaks in his water line. We have to walk the line. There have been more than one occasion where the line was broken due to construction on Ryan Road or someone driving on the water line. There is a huge issue with his ingress/egress to that portion of 161 Street.

Amy Brice stressed that they need to have access to their water line. It is their right. It broke twice already. Having construction directly on it will cause it to break a million times. That will result in dirt in the lines which can cause bacteria and it will be detrimental to their health and safety.

James Brice noted they have lived here for 11 years and the soccer complex across the street which is well over a quarter away has given them issues because of the lighting. They had to plant oleanders to shade their house from the glow of the stadium lighting. Regardless of the shields, there will be a large glow and excess noise. They already have to listen to the kids yelling and the school has DJs out there all the time. There will be other issues once that baseball field is put in.

There were no further comments from the public. Chair Andersen offered the applicants an opportunity to respond to the comments.

APPLICANT RESPONSE

Jim Demarchais stated the homeowners have had issues with their water lines before we got there. We will take care of the portion that we are involved with. They are dealing with the land where the land owner is okay with this project and redirecting the easement access to their home. They are fine with us using this land as a baseball field. We are doing everything we can including using the more expensive field lights to make sure there is not light spillage onto other properties. Yes, you can see the soccer field lights all the way across the street. This is a school and there will be children there and they type of noise that is associated with a school. He felt the sound of children was a really great sound. They will do everything they can to take care of any issues. The water line will be taken care of. They will certainly not put

someone in a position where they do not have any water flow to their home. Part of the conditions instilled into this project is that they will take care of and maintain the water lines and replace any breaks at least at the level they are currently, although they would probably improve it.

Randy Hilleboe stated across the north section of the site, in addition to the access easement there is also a public water and sewer easement that runs there that does connect with the adjoining properties. In addition to maintaining what is existing there and protecting it in place as necessary during construction or planning an outage to bury it deeper and protect it further during construction, there is also the option once that other property to the north brings water to the area to connect those parcels. He was not sure what the comment Ms. Lopez made on the ALTA survey was related to. We have a title report and the ALTA survey to confirm the size of the property owned by Delores Lopez that is being leased currently by Gilbert Christian Schools. The nearest light to the Brice parcel is approximately 175 feet from their house. At the property line, they are at 0.2 foot-candles which is below what is allowable. We feel we are doing what we can to be responsible and correctly shield the adjacent parcels from the field lighting. The lighting will be used approximately 130 times from November to May and per code, the lighting will be turned off at 10 p.m. or upon conclusion of the baseball activity.

Commission Questions / Comments

Commissioner Cavenee asked if there was a plan to deepen some of the individual water lines?

Applicant Randy Hilleboe stated the first part of the construction will be to assess where those lines are, how they are constructed and how deep they are so we can then with the contractor create an approach to maintain their service during construction. If we have to bury the lines deeper to protect them, we would schedule an outage with them as the water is being changed over to a new line that is deeper.

Vice Chair Bloomfield stated with the access easement, the water line will also be relocated to be in the same access easement that is there. So it will be all outside of any block wall. He was not aware that they would put up a block wall along the back property.

Mr. Hilleboe stated the existing easement will be maintained on the west side of the additional parcel for the utilities. Those water lines will be maintained as they are. It is just the access easement that will be relocated around the outside of the parcel.

Vice Chair Bloomfield felt the easy solution would be just to replace that whole water line and put it all the way around the outside. He can't make the applicant do that, but it seems like an easy solution.

Ms. MacDonald asked the applicant to address access to the easement and the maintenance if there were outages or issues. There is a gate in one area.

Mr. Hilleboe stated the intent of the gate is to allow the shared easement users to be able to access their lines as noted in the original easement document. By protecting it further than it was when originally installed, he hoped the line would be safer after this project than it is currently. It is an open field right now. The gate is currently locked for child safety. We currently have it shown with a fire-type hasp device that utilizes two keys. It could be set up so the homeowners could have access. Again for child safety, he would hope the homeowners would work with Gilbert Christian School to schedule a time to do that. He asked staff if they knew the timing of the development to the north of the school's parcel?

Ms. MacDonald did not know where that development was in the process, although she will look up some information.

Chair Andersen felt it would be very important for those homeowners to have access. If a gate could be provided to the neighbors to the north for their use to walk their lines, that would be beneficial.

It was Mr. Hilleboe's understanding that part of the town's request for the sewer and water easement across the north of their site was to tie in with the development to the north and allow for future development to the east of GCS where they are landlocked as Ms. Lopez mentioned. He felt at that time they could potentially bring their water service up to code by attaching to those new lines.

With no further questions, Chair Andersen closed the public hearing. He appreciated the residents who called in to provide their input.

Commission Discussion on UP20-03

Commissioner Cavenee had an opportunity years ago to build a ball field for a church in Gilbert. They used the most expensive Musco lights available with the shields to protect the adjacent neighborhood. He monitored that ball field for years after and never had a single complaint about light bleed. Musco makes a very good light. The glow can be seen from a distance but as far as impact to yards and homes, that lighting wasn't an issue. It is his experience that it will probably not be too problematic given that they are using the Musco lights. In terms of the water lines, it sounds like they are rather brittle lines and that is a concern. They are not robust copper lines. We want to make sure they do have access to see their lines. It sounds like GCS is willing to give them access and they are willing to fix the lines if there are problems during construction or use. It sounded like they were willing to deepen the lines or even shore them up with stronger materials if anything were to happen in the interim. It could be a win-win for the homeowners if in fact they do get a better line that is deeper in the end. Of course, that is not guaranteed here. It sounds like an effort to mitigate the concerns is out there. He thought that is the best we can ask for. He would encourage them to work together throughout the process.

Commissioner Mackin agreed with Commissioner Cavenee and felt the applicant was taking a reasonable approach in terms of seeking to improve or maintain those lines. That is definitely all you can ask for. Even after the project is completed, he would think there would be fewer instances of lines being damaged as opposed to them being set in loose soil. Once the ground is compacted and the improvements are made, that line may actually be more secure especially if it is placed deeper. He felt the applicant was taking very good and reasonable measures to mitigate that issue.

Vice Chair Bloomfield was taking a different approach. This looks and feels like pounding a square peg into a round hole. He gave kudos to the creativity of the School in expanding the offerings for their students. He gets frustrated when he sees schools come in and try to shoehorn themselves into whatever category is around them. Some do a good job with that and working with the neighbors and trying to mitigate their concerns. In this case, there are so few neighbors that it should be a reasonably easy exercise to visit with each of them to get their feedback. Even after six months, it does not sound like that has occurred here. He gets frustrated when development comes before us and we hear these reports. He will vote no on this one.

Commissioner Alibrandi stated we obviously want to balance the development and the school's needs, but we also need to do no harm. He asked what can be done as opposed to verbal assurances? Where is the good faith effort? We certainly don't want to create a problem and break lines and put people's daily routine at risk. He was concerned about this. He did not know what the purview of the Commission was to ensure that is done. Where is the proper balance? He did not want to try to delay this for months, but where do we draw the line to ensure that the existing homeowners are not hurt. He understood Vice Chair

Bloomfield's concerns, although he did not want to stand in the way of progress. We see a problem with an existing homeowner and he would hate to have them come back in three months and say we told you so.

Chair Andersen agreed. He asked for clarification that in order for this to get approved, the applicant has to show that they meet all four Findings of Fact.

Ms. MacDonald confirmed that all four findings need to be met. The Use Permit findings are specific to the ballfield lights. There are also five findings of fact in the staff report for the Design Review portion.

Vice Chair Bloomfield added that when we have development occur as a subdivision, they have to meet certain guidelines and requirements. That is very clearly dictated in the town requirements. In this case, this is what we would call a wildcat subdivision where it was just created by land splitting and lot splitting. There is no HOA, although that comes at a price and it is being paid for as we heard about tonight. There are plusses and minuses on both sides of this equation where you are not guaranteed because you are not part of a subdivision as to whatever level of care was taken by the developer. It is a cautionary tale on both sides.

Chair Andersen asked staff to show where the water line is cutting through on the site plan.

Ms. MacDonald pointed out the 20-foot wide easement is located between the darker property line and the lighter hash marks shown on the site plan. It runs along the entire length of the property. She understood in speaking with Ms. Lopez that it is located on the east side of this 20-foot easement.

Chair Andersen felt it was located fairly deep into the area they want to use. He had hoped it would be in the easement that was east of the masonry wall they are putting up. He asked if any of the Use Permit conditions were being modified?

Ms. MacDonald stated if the Commission is in agreement, Condition 2 for the Use Permit could be deleted as it is not a requirement for the baseball field, but relates to other types of lighting. For the Design Review, that is Condition 3.

Commissioner Alibrandi asked for clarification that the Commission was only commenting on the lights at this point. The water issue is not in front of us at this point.

Ms. MacDonald stated the Use Permit is solely related to the lights. Item 21 DR15-25B is related to the site plan and the expansion onto the additional acreage.

Commissioner Cavenee noted this easement runs along the west side of the residential lots and now the center of left field. If this ballfield were not here, what could be built there and how close to that setback could those structures or features get? Is this all residential land SF-43? Could a structure be built near it, on it, or over it?

Ms. MacDonald advised that it is zoned SF-43. She did not know the setbacks off the top of her head. It would depend on whether it was a residential use or a non-residential use that is allowed in SF-43.

Commissioner Cavenee understood that it is SF-43 and it does have a setback of some distance off of the property line. All that is being built here is a wall, but the actual water line is predominantly covered by ballfield.

Ms. MacDonald stated that was correct.

Chair Andersen called for a motion on the Use Permit case.

MOTION: Commissioner Cavenee moved to make the Findings of Fact and approve UP20-03, Gilbert Christian School, Titan Solar Field: a Conditional Use Permit for approximately 11.01 acres located at the northeast corner of Greenfield Road and Ryan Road to allow outdoor recreational field lighting in the Single Family-43 (SF-43) zoning district, subject to the conditions set forth in the Staff Recommendation, and deleting Condition 2 as requested; seconded by Commissioner Simon. **Motion passed 6-1**, with Vice Chair Bloomfield opposed.

Commission Discussion on DR16-25B

Chair Andersen confirmed that this case would take into account the discussion of the water lines.

Ms. MacDonald stated that was correct. If the Commission is considering approval, staff requests that Condition 3 regarding the lights be removed and replaced with a new Condition 3 to address the water lines.

Commissioner Cavenee felt the new Condition 3 appears as though we will have documented requirements that the homeowners can access their lines and that they will be repaired to a better-than condition than it is now. He is very sensitive to the homeowners' sensitivity to access and see their lines. It seems like that is a regular routine that is needed because of the condition of the current line. He wanted to help them maintain that and it sounds like that is done here.

Vice Chair Bloomfield agreed and felt it will not be in the school's best interest to have that water line break right in the middle of a ballfield with grass and irrigation. They will take care of it.

Commissioner Cavenee understood that the lines are now in loose soil, but will be in the future in compacted soil that is irrigated regularly so it will have a normal water content which will increase density of those soils and compaction. He felt they would have better protection in the long run as was suggested earlier because of that regular maintenance of the soil and the turf. He saw it as a probable better condition even if the lines are not replaced during construction.

Commissioner Alibrandi was concerned about the second homeowner's comment that when they ran their line, they were not necessarily as deep as 18 inches. It will fluctuate doing it by hand. He was torn. As a sign of good faith, the applicant may agree to run a new line from top to bottom while they were ripping it up anyway. Or they could run the line, as Chair Andersen noted earlier, outside the wall for access. These may be expensive solutions and Commissioner Alibrandi is not writing the checks. He was looking for the balance here without turning this into a Hoover Dam project.

Commissioner Cavenee noted if the lines are as shallow as suggested, the wall footings could be in conflict. So they will have to dip those lines at those points if the whole stretch is not replaced.

Vice Chair Bloomfield agreed, although it sounded like the person with the possible 3-inch line was in a different section, not necessarily across this portion of the ballfield. His was different than what Ms. Lopez was talking about. That homeowner did say that it comes all the way down that easement and then along Ryan out to Greenfield. So it could be anywhere in that portion. You wouldn't want that condition on a ballfield, especially running mowing equipment and different things over it during construction. They would push those lines down and out of the way below all of the irrigation.

Commissioner Cavenee noted that the applicant mentioned their first phase was to identify the location of those water lines, assess the condition, and address it. They are hyper-focused on it and hopefully, this gives them additional rationale to focus on it and make sure the neighbors are taken care of.

Attorney Nancy Davidson advised that the Town Engineer said that if the applicant agreed to replace the lines to a minimum depth of 2 feet, that would be very reasonable and not costly. If the Commission needs to speak to the Town Engineer, we may be able to get him on line.

Commissioner Cavenee would agree that if it stays PVC and the lines are just deepened, it would not be that expensive.

Vice Chair Bloomfield stated the School will put three times that much irrigation line in there anyway and would be trenching.

Commissioner Alibrandi stated if this work is done *a priori* as part of the construction project, he would have no problem with it. The applicant would have to commit to that if that is allowed by our portfolio.

Chair Andersen stated there is a double gate on the north wall and that gate can be located so it straddles over those pipelines so that there is not a footing sitting on top of them.

Applicant Jim Demarchais wished to address the Commission. Chair Andersen advised that they have already closed the public hearing and are discussing the matter on the dais.

Commissioner Mundt confirmed that this was potable water. If these are utilities that are distributing town water, then usually any construction would require utility finding. If these lines were grandfathered in, the code should require exactly what we are talking about, unless he was misinterpreting the legality of those lines. There should be some continuity of how that process would take place. That may be a question for the Town Engineer as well.

Chair Andersen asked if the Commission was comfortable that the conditions shown on the screen would address the concerns of the neighbors to the north and that it is fair to the School? If so, he would entertain a motion.

MOTION: Commissioner Cavenee moved to approve the Findings of Fact and approve DR16-25B, Gilbert Christian School, Titan Solar Field: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 11.01 acres, generally located at the northeast corner of Greenfield Road and Ryan Road, and zoned Single Family-43 (SF-43), subject to the conditions set forth in the Staff Recommendation, removing the original Condition 3 regarding light fixtures and replacing it with the new Condition 3 as follows:

Condition 3: The applicant shall identify approximate location of water services lines, of unknown size, within the existing 20' utility easement with submittal of construction documents. Applicant is to ensure service maintenance and restoration of said water service lines at, or better than, pre-construction condition.

The motion was seconded by Commissioner Simon. **Motion passed 5-2**, with Vice Chair Bloomfield and Commissioner Alibrandi opposed.

ADMINISTRATIVE ITEMS

22. Planning Commission Minutes – Consider approval of the minutes of the Study Session and Regular Meeting of July 1, 2020.

Commissioner Alibrandi noted that he was present at the July Study Session, although he was mistakenly listed as absent on the attendance. He asked that the minutes be amended to reflect that correction.

MOTION: Vice Chair Bloomfield moved to approve the minutes of the Study Session and Regular Meeting of July 1, 2020 with the correction to the attendance as noted; seconded by Commissioner Cavenee. **Motion passed 7-0.**

23. Executive Session – The Public Body may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

Eva Cutro advised that this item was placed on the agenda to allow the Commission to go into Executive Session at any time as necessary. It will be standard language on the agenda, but the Commission is not required to go into Executive Session.

24. Report from Chairman and Members of the Commission on current events.

There were no reports.

25. Report from Planning Services Manager on current events.

Eva Cutro reported that as of 5:38 p.m. the unofficial election results came in and the General Plan looks like it will be approved with an 81% vote. Chair Andersen appreciated everyone who put their time in working on the General Plan.

ADJOURN

With no further business before the Planning Commission, Chair Andersen adjourned the Regular Meeting at 8:32 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary

**TOWN OF GILBERT
PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
50 E. CIVIC CENTER DRIVE
GILBERT, AZ
AUGUST 5, 2020**

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
David Cavenue
Noah Mundt
Jän Simon
Philip Alibrandi, Alternate
Nathan Mackin, Alternate

STAFF PRESENT:

Eva Cutro, Planning Division Manager
Amy Temes, Principal Planner
Ashlee MacDonald, Principal Planner
Stephanie Bubenheim, Senior Planner
Sydney Bethel, Planner II
Keith Newman, Planner II
Josh Rogers, Planner II
Nancy Davidson, Assistant Town Attorney

COUNCIL LIAISON PRESENT:

Scott September

RECORDER:

Dana Desing

PLANNER	CASE	PAGE	VOTE
Amy Temes	S20-06	3	Approved
Amy Temes	DR20-67	4	Approved
Sydney Bethel	DR20-33	4	Approved
Sydney Bethel	DR20-24	5	Continued
Ashlee MacDonald	S20-03	5	Approved
Keith Newman	Z20-04	6	Approved
Josh Rogers	DR20-04	5	Approved
Sydney Bethel	DR20-58	10	Approved
Ashlee MacDonald	UP20-03	11	Approved
Ashlee MacDonald	DR16-25-B	12	Approved

Options were available for members of the public to participate in or attend the meeting remotely as listed in the meeting agenda.

CALL TO ORDER OF REGULAR MEETING

Chair Brian Andersen called the August 5, 2020 Regular Meeting of the Planning Commission to order at 6:41 p.m.

PLEDGE OF ALLEGIANCE

Chair Andersen led the Pledge of Allegiance

ROLL CALL

Planning Division Manager Eva Cutro called roll and declared that a quorum was present.

9. APPROVAL OF AGENDA

It was recommended that Item 18. DR20-04 GUARDIAN STORAGE be moved to the Public Hearing (Consent) agenda. There was agreement among the Commission. Chair Andersen called for a motion to approve the agenda.

MOTION: Vice Chair Bloomfield moved to approve the Agenda with the recommended changes; seconded by Commissioner Cavenee. **Motion passed 7-0.**

COMMUNICATIONS

10. COMMUNICATION FROM CITIZENS

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

All of the lines were opened for public comment.

Doralise Machado Liddell has been a Gilbert resident for 25 years and resides in the Lacy Tract in the Heritage District. She was attending the meeting by phone and advised that she was not able to view the presentation by the Economic Development Director so that portion was not available to the public through Channel 11. She appreciated that the item on the Heritage District Design Guidelines was continued. She noted the lack of input from the residential owners in the Lacy Tract on those guidelines. The town has been working on the draft of the design guidelines for over 18 months and have not had any meetings with property owners in the Lacy Tract, who will be greatly impacted by the Design Guidelines. She understood that the department has reached out to developers for their input into the Design Guidelines. She was extremely concerned that the town would even listen to the residents because even though the Redevelopment Plan was stated to not affect private property owners, that is not so. Ms. Machado Liddell lives within the Redevelopment area and noted that the town has a lot of leeway and could ultimately claim imminent domain on her property. It is very important that the town listen to the property owners. She hoped she would not come back before the Planning Commission and find that this pattern has not changed. She hoped that the town will hold meetings in order to get input from the residents.

Chair Andersen asked that staff connect with Ms. Machado Liddell regarding her concerns. Planning Division Manager Eva Cutro believed that staff has already spoken with Ms. Machado Liddell, although they will reach out to her again.

11. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS

Councilmember Scott September reported that at next Tuesday's Council hearing as well as the next Planning Commission hearing, a limited public attendance will be allowed in the Council Chambers not to exceed 50 people. He thanked Dan Henderson for presenting the vision for our historic district. He was excited for everyone to see it.

Chair Andersen asked if members of the public who wished to address the Commission on specific cases would have first priority to attend in person or would it be on a first come basis?

Councilmember September advised that staff will help direct the public if there are more than 50 people to make sure the ones who need to be in the Council Chambers for specific items can be, and when they are done they can make room for others to be present.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission/Board may, by a single motion, approve any number of items where after opening the public hearing no person requests the item be removed from the consent calendar. If such a request is made, the Commission/Board shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Chair Andersen read the consent calendar items and noted the addition of Item 18. DR20-04 Guardian Storage to the consent calendar.

12. S20-06 VAL VISTA SQUARE REPLAT-PARCEL 1B AND MAIN STREET COMMONS PARCEL 5: Request to approve a Preliminary Plat and Open Space Plan for Val Vista Square, on approx. 34.11 acres located at the southeast corner of Val Vista Drive and Pecos Road in the Regional Commercial (RC) and Multi Family / High zoning districts with a Planned Area Development overlay district.

STAFF RECOMMENDATION

Approve the Findings of Fact and S20-06, Val Vista Square: Preliminary Plat and Open Space Plan for Gilbert Growth Properties for a commercial subdivision on approximately 29.25 acres, generally located at the southeast corner of Val Vista Drive and Pecos Road in the Regional Commercial (RC) and Multifamily/High (MF/H) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.

1. The Final Plat and Open Space Plans for Val Vista Square and construction of the project shall be in substantial conformance with Exhibits 4, 5 and 6 approved by the Planning Commission/ Design Review Board at the August 5, 2020 public hearing.
2. Future proposed signage complying with the Land Development Code shall conform to the Val Vista Square Master Sign Plan. Amendments may be approved administratively by Planning Staff prior to submitting for sign permits.

13. DR20-67 NOVEL VAL VISTA SQUARE: Site plan, landscaping, elevations, floor

plans, lighting, and colors and materials for approximately 9.1 acres, generally located at the southwest corner of Rome Street and Pecos Road, and zoned Multi-Family / High (MF/H).

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-67, Novel at Val Vista Square: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 9.1 acres, generally located at the southeast corner of Rome Street and Pecos Road and zoned Multifamily/High (MF/H) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits if not consistent with the Val Vista Square MSP.
4. All exterior decorative metal including screening, lighting and fencing shall be bronze.
5. Perforated metal panels shall be no greater than 20% open.
6. All required private open space shall be screened.
7. Truncated domes shall be installed at pedestrian crossings and addressed in construction documents.
8. A fire plan with designated fire apparatus routes shall be enlarged from 25' to 26' to meet 2018 IFC Appendix D103 and shall be addressed in construction documents.
9. The separation between buildings shall meet IBC Table 602 and shall be addressed in construction documents.
10. All buildings shall provide fire sprinklers, riser rooms and FDC per TOG Fire Code Amendment 903.2(8). U occupancy over 3,000 sq.ft. shall be addressed in construction documents.
11. Second Review Grading and Drainage comments Shall be addressed to meet Town requirements during construction documents.
12. Awning and carport covering materials shall be constructed of a solid material.
13. All mechanical equipment shall be fully screened by an approved screening enclosure or below the parapet height as measured from the roof surface to the top of equipment.
14. **DR20-33 UND AEROSPACE FOUNDATION DEVELOPMENT: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 9.2 acres, generally located at the northwest corner of Williams Field Road and Somerton Boulevard, and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-33, UND Aerospace Foundation Development: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 9.2 acres, generally located at the northwest corner of Williams Field Road and Somerton Boulevard, and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site

Plan Notes adopted by the Design Review Board on March 11, 2004.

3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
 4. A 19' Roadway Easement along Williams Field Road, running the length of the property, is required to be recorded prior to the issuance of building permits to accommodate the required bus shelter.
- 15. DR20-24 RECON OFFICE BUILDING: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 0.75 acres, generally located at 62 South William Dillard Drive, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Move to continue DR20-24, Recon Office Building to September 2, 2020.

- 16. S20-03 CORDILLERA VISTA ESTATES: Request to approve Preliminary Plat and Open Space Plan for Vestar, for 118 home lots (Lots 1-118) on approx. 39.91 acres located at the southwest corner of Higley and Riggs Roads in the Single Family - 6 (SF-6) and Single Family-8 (SF-8) zoning district with a Planned Area Development (PAD) overlay zoning district.**

STAFF RECOMMENDATION

S20-03 Cordillera: Request to approve Preliminary Plat and Open Space Plan for Vestar, for 118 home lots (Lots 1-118) on approx. 39.91 acres located at the southwest corner of Higley and Riggs Roads in the Single Family-6 (SF-6) and Single Family-8 (SF-8) zoning district with a Planned Area Development (PAD) overlay zoning district, subject to the following conditions.

1. The Final Plat and Open Space Plans for Cordillera and construction of the project shall be in substantial conformance with Exhibit 5, Preliminary Plat and Exhibit 6, the Open Space Plan approved by the Planning Commission/ Design Review Board at the August 5, 2020 public hearing.
- 18. DR20-04 GUARDIAN STORAGE: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 3.11 acres, generally located west of the northwest corner of Power and Pecos Roads, and zoned General Commercial with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-04, Guardian Storage: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 3.11 acres, generally located at the west of the northwest corner of Power and Pecos Roads and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
4. The required parking lot screen wall detail shall be approved by the

Planning Department prior to construction documents.

5. Outdoor light fixtures shall not produce a level of illuminance at the property line which exceeds .3 foot-candles.

Chair Andersen called for a motion to approve the Consent Calendar items.

MOTION: Vice Chair Bloomfield moved to recommend approval of Consent Agenda Items **12. S20-06** Val Vista Square Replat-Parcel 1B and Main Street Commons Parcel 5, **13. DR20-67** Novel Val Vista Square, **14. DR20-33** UND Aerospace Foundation Development, **15 R20-24** Recon Office Building, **16. S20-03** Cordillera Vista Estates, and **18. DR20-04** Guardian Storage; seconded by Commissioner Cavenee. **Motion passed 7-0.**

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so by filling out a public comment form indicating the Item Number on which to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

- 17. Z20-04 THE CARSON: Request to amend Ordinance No. 2756 to amend the development plan and conditions of approval within The Carson Planned Area Development (PAD) overlay zoning district for approx. 2.85 acres of Multi-Family/Medium (MF/M) zoning district generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr.**

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z20-04 a PAD Amendment for The Carson on approx. 2.85 acres, generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr. and currently zoned Multi Family/Medium (MF/M) with a PAD overlay, subject to the following conditions:

1. Dedication to Gilbert for Gilbert Road rights-of-way that are adjacent to the Property shall be completed prior to any Town approval to construct any part of the Project or sooner as required by the Town Engineer. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
2. Dedication of Gilbert Road rights-of-way that are adjacent to the Property shall extend 70 feet from the monument line. The western 5 feet of the 70-foot dedication shall be in the form of a public roadway easement.
3. Construction of off-site improvements to Gilbert Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Gilbert, whichever is earlier.
4. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
5. To the extent that any landscaping, open space, recreational facility, private street, utility, or other facility is held in common ownership, Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of said areas as required

by the Town of Gilbert Land Development Code.”

6. To the extent that any landscaping, open space, recreational facility, private street, utility, or other facility is held in common ownership, Developer shall record easements to be owned by the POA for pedestrian, bicycle or trail system purposes if required by the Town Engineer.
7. Prior to Town approval to construct any part of the Project, Developer shall pay for its proportional share of water and sewer mains benefitting the Property as required by the Town Engineer.
8. The Project shall be developed in conformance with Gilbert’s zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Site Development Regulations	Approved per Ordinance No. 2756 MF/M PAD
Minimum Building Setbacks (ft.)	
Side (Adjacent to Single family residential zoning district)	12’
Minimum Perimeter Landscape Area (ft.)	
Side (Adjacent to Single family residential zoning district)	12’
Separation between Buildings (ft.) Single or two story	7’
Minimum Height of Solid Separation Fence (LDC – 4.109.A.2 (a)(b))	1. North Property Line: 8’ high masonry wall 2. West Property Line: 8’ high masonry wall 3. South Property Line: No wall

9. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.
10. Prior to the issuance of the first certificate of occupancy for the project, the Developer shall record a restrictive covenant on the Property as well as requiring a provision in the lease agreement with future tenants, that requires resident vehicle(s) to be parked in the garages to keep the outdoor parking spaces for visitor vehicles. Enforcement of the parking restrictions described in this condition shall be the responsibility of the POA or the Developer’s designated property manager. Nothing in this condition shall be interpreted to restrict emergency vehicles or to prohibit the parking of public service and public safety emergency vehicles pursuant to A.R.S. § 33-1809.
11. Developer agrees to landscape the 18’ SRP easement adjacent to the southern boundary as part of its fence modification request. Developer shall be required to provide said landscaping within the 18’ SRP easement adjacent to the southern property boundary, which shall be coordinated with SRP and installed at the time of development of the Property.
12. Trees and shrubs shall be planted along the entire south side of Unit #1 in the southwest corner of the property to screen the building from adjacent residents.

Chair Andersen recused himself from this item. Vice Chair Bloomfield opened the public hearing and invited staff to make a presentation.

Planner Keith Newman presented Z20-04 The Carson PAD Amendment. This is a companion application to the Design Review application presented in tonight’s Study Session. The Carson is located across from the Public Safety Complex and south of the Gilbert Town Square Shopping Center. This development was approved for PAD zoning by the Town Council on April 7, 2020, and it was annexed and had an associated

General Plan Amendment. It was rezoned to MF/M with a PAD overlay to reduce the building and landscape setbacks from 30' and 20' to 12' and to eliminate the required separation wall in exchange for additional landscaping to be planted in the 18' SRP parcel along the southern boundary of the property.

The previously approved development plan was shown for comparison. After approval of the annexation, General Plan Amendment, and rezone, and after the property was purchased, the owner was notified by SRP that the 18' easement could not be landscaped due to a historic designation placed on the ditch in 2001 and that the ditch now had to be left above ground as it currently exists. The ditch is unable to be piped underground without the historic designation being removed, which is a lengthy and uncertain process. Consequently, the owner has redesigned the site to relocate all of the buildings that were previously approved at 12' from the property line further to the north, resulting in the buildings being approximately 100' away from the southern property boundary. Due to the relocation of the buildings, landscaping, and amenities, staff has determined that the new development plan is not in substantial conformance with the development plan previously approved by Town Council and that a PAD amendment was to be required. It is important to note that this request does not seek to amend any of the previously approved development standards.

The 12' landscape and building setbacks along the southern property boundary will remain. The applicant is proposing to install a 6' view fence along the southern boundary of the property in order to provide security for the residents adjacent to the SRP ditch, which will remain above ground. The deviations previously approved were justified by the building's orientation and the landscaping buffers provided as a result of the ability to underground the ditch. In order to maintain similar benefits to the property that were previously approved, staff has worked with the applicant to provide a significant amount of landscaping along the southern boundary which includes the relocated site amenities, additional trees, and screening for Unit 1. Since the application was submitted, the applicant has received approval from SRP to landscape the 18' SRP easement with low lying shrubs that are drivable, but no trees. All of the trees will be within the site. A more detailed landscape plan will be presented at the next public hearing.

The same deviations will remain in place. Staff has not had any correspondence from the neighbors. A neighborhood meeting was held a few months ago although no one attended. The only concerns brought up when the previous zone change came before the Commission were traffic concerns at the main entrance and along Gilbert Road. A traffic study was done that required no additional improvements to Gilbert Road nor traffic signalization.

Staff requests that the Planning Commission forward a favorable recommendation to Town Council for this item with some modifications to the conditions of approval to provide flexibility in the event that SRP no longer allows for landscaping to be planted in the 18' easement, and to ensure that trees and shrubs are provided as screening for Unit 1, as that is not shown on the current landscape plan. The modified conditions are listed below:

11. Developer agrees to use its best efforts to landscape the 18' SRP easement adjacent to the southern boundary as part of its fence modification request. Developer shall use its best efforts to provide said landscaping within the 18' SRP easement adjacent to the southern property boundary, which shall be coordinated with SRP and installed at the time of development of the Property.
12. Trees and shrubs shall be planted along the entire south side of Unit #1 in the southwest corner of the property to screen the building from adjacent residents.

Commission Comments/Questions

Commissioner Cavenee asked what the above-ground piping will look like and how it will be installed?

Mr. Newman stated there is an existing concrete ditch today that will remain in its current form. The previous plan was to remove the concrete and place pipes underground. Now the ditch will remain above ground as it is today.

Commissioner Alibrandi suggested this issue be a red flag moving forward in order to make sure we are not surprised by this again. He did not know how many historic ditches there may be in Gilbert.

Commissioner Simon was in favor of the project and felt the applicant did a good job of readjusting the plans.

APPLICANT PRESENTATION

Commissioner Cavenee invited the applicant to make a presentation.

Applicant Sean Lake, Pew & Lake, PLC, stated the ditch is located on their property and that the historic designation was submitted without consulting the property owner. They were very surprised that this happened. He was only aware of one other historic ditch in the East Valley. They have tried to make the best of a difficult situation and staff has done a great job in outlining their proposal. They will work with SRP to landscape and clean up around that historic ditch so that it will look attractive moving forward between the north wall of the residences and this project. The intent is to make it look seamless as well as safe. He felt the current plan was a much better design and pushes further away from the residential. He would be happy to answer any question and confirmed their agreement with the revised conditions presented by staff.

Public Comment

Vice Chair Bloomfield opened the floor for public comment. All of the lines were opened although there were inaudible comments. Otherwise, there were no comments from the public. Vice Chair Bloomfield closed the public hearing.

Commission Discussion

Commissioner Mundt remembered this item from a few months ago and recalled that it was explicitly stated that there was SRP support to do this. He understood that it might be a tricky situation. He could also understand how a designation like this could be somewhat under the radar. He felt the applicant has done a significant amount, and as long as we can hold some accountability to that best effort, he felt it was a good idea.

Commissioner Cavenee understood that SRP did give their blessing and then came back after the fact and acknowledged the historic element. He believed the developer has gone out of their way to tweak the site

to make it fit with the historic requirement. He did not see any other alterations that would change our previous approval and he will vote in favor of this item.

MOTION: For the reasons set forth in the staff report, Commissioner Alibrandi moved to recommend approval to the Town Council for Z20-04, as requested, subject to the conditions listed in the staff report and the modifications to Conditions k. and l. as listed above; seconded by Commissioner Mundt. **Motion passed 5-0**, with Chair Andersen recused and Commissioner Simon absent for the vote.

19. DR20-58 ACERO VAL VISTA: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 14.9 acres, generally located at the northeast corner of the Melrose Street alignment and Quartz Street, and zoned Multi-Family/Medium (MF/M).

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR20-58, Acero Val Vista: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 14.9 acres, generally located at the northeast corner of the Melrose Street alignment and Quartz Street, and zoned Multi-Family/Medium (MF/M), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required prior to submitting for sign permits.
4. Parking lot light poles located within the 30" parking overhang shall be relocated out of the overhang area.

Chair Andersen recused himself from participating on this item. Vice Chair Bloomfield opened the public hearing and invited staff to make a presentation.

Planner Sydney Bethel presented DR20-58 Acero Val Vista. The subject site is approximately 14.88 gross acres and is located at the northeast corner of the Melrose Street alignment and Quartz Street. Melrose is a future street where a half street will be built with this project. The request is a Design Review application to construct a new multi-family development. The applicant is proposing a new 328-unit multi-family development with a combination of 1, 2, and 3 bedroom units with a density of approximately 22 DU/Acre. The project has a total of 13 proposed residential buildings along with 7 carriage unit buildings. The residential buildings will be located along Quartz and Melrose Streets and internal to the site with the carriage units located predominantly along the northern and eastern borders of the site. The clubhouse is located just beyond the main entry point off of Melrose and a secondary amenity area will be located on the western portion of the site to provide a balance of amenities for all residents. The primary access will be off of Melrose Street with a second exit-only access located on the western portion on Quartz Street. Sidewalks are provided internally to the site and also connect externally onto Quartz and Melrose Streets. This project came before the Commission at Study Session back in May with discussion to increase the pedestrian connectivity onto Quartz and Melrose. The applicant has added pedestrian connectivity onto Quartz with a pedestrian gate and additional sidewalks are provided onto Melrose. The project provides 40.32% open space which meets the requirements for the zoning district. They are providing a robust palette of trees, shrubs, ground covers, cacti, and accent plants.

The proposed buildings include a combination of 1, 2, and 3 stories with a maximum building height of 40 feet. Per the applicant, the architectural theme is a modern contemporary style. The primary building material is stucco in a range of white and gray tones with a brick veneer in gray tones as the primary accent material. There are metal accents in both black and silver throughout the development on the window, railings, and stairwells. The applicant has provided a few items to address some of the concerns of staff and the Commission from the previous Study Session. They have added an additional tan accent color, modified the side elevation of Building 5 to increase the articulation, modified the clubhouse building to include a second story, added additional brick veneer to wing walls within the residential stairwells, and modified the garage doors with a contrasting color and windows. The elevations were reviewed for each building type along with the recent changes or additions by the applicant.

Staff is recommending approval of DR20-58.

Commission Questions / Comments

Commissioner Mackin noted that the Commission had a set of recommendations on this last time and looks a lot better. The project was warmed up with the color palettes. It was already a good project to begin with and it has gotten even better. He felt it looked great.

Public Comment

Vice Chair Bloomfield opened the floor for public comment. The lines were opened although there were no requests to speak from the public.

APPLICANT STATEMENT

Vice Chair Bloomfield asked the applicant if they wished to address the Commission.

The applicant stated they have been working hand in hand with staff and believed they have addressed all of the questions and issues. He had nothing further to add.

With no further discussion on the dais, Vice Chair Bloomfield closed the public hearing and called for a motion.

MOTION: Commissioner Cavenee moved to Approve the Findings of Fact and approve DR20-58, Acero Val Vista: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 14.9 acres, generally located at the northeast corner of the Melrose Street alignment and Quartz Street, and zoned Multi-Family/Medium (MF/M), subject to the conditions set forth in the Staff Recommendation; seconded by Commissioner Simon. **Motion passed 6-0** with Chair Andersen recused for the vote.

- 20. UP20-03 GILBERT CHRISTIAN SCHOOL - TITAN SOLAR FIELD: Request to approve a Conditional Use Permit for approx. 11.01 acres located at the northeast corner of Greenfield Road and Ryan Road to allow outdoor recreational field lighting in the Single Family-43 (SF-43) zoning district.**

STAFF RECOMMENDATION

Make the Findings of Fact and approve UP20-03, Gilbert Christian School, Titan Solar Field: a Conditional Use Permit for approximately 11.01 acres located at the northeast corner of Greenfield Road and Ryan Road to allow outdoor recreational field lighting in the Single Family-43 (SF-43) zoning district, subject to conditions:

1. The Project shall be in substantial conformance with the site plan and lighting plan shown on the Exhibits provided under Attachment Nos. 4 and 5.
2. ~~All light fixtures shall be located out of the required landscape setback.~~

21. DR16-25-B GILBERT CHRISTIAN SCHOOL - TITAN SOLAR FIELD: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 11.01 acres, generally located at the northeast corner of Greenfield Road and Ryan Road, and zoned Single Family -43 (SF-43).

STAFF RECOMMENDATION

DR16-25B, Gilbert Christian School, Titan Solar Field: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 11.01 acres, generally located at the northeast corner of Greenfield Road and Ryan Road, and zoned Single Family -43 (SF-43), subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the August 5, 2020 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. ~~All light fixtures shall be located out of the required landscape setback.~~

Chair Andersen opened the public hearing and invited staff to make a presentation.

Principal Planner Ashlee MacDonald presented UP20-03 and DR15-25B Gilbert Christian School - Titan Solar Field. Back in 2015, the Design Review Board approved the Gilbert Christian School located on the east side of Greenfield Road south of Germann and north of Ryan Road. Originally the project was approved at just over 8 acres. The applicant is seeking with the DR portion of the project to add an area to the Master Site Plan in order to expand their baseball field. The original Design Review did show a baseball field in this location, although it was smaller in size than what is currently being proposed. The applicant has entered into an agreement with the property owner to expand the outfield into the hashed area shown on the map. That would bring the total school campus to 11 acres with the addition of the 2.29 acres. The applicant is also requesting a use permit to allow for outdoor recreational field lighting in the SF-43 zoning district. That is a use that requires a use permit to ensure that we can mitigate any impacts of those light poles. They are proposing the addition of 6 light poles that are 70 feet high.

The baseball field is located in the northeast portion of the site. The only vertical construction within this project is an 8-foot wall that will surround the site. They will develop the field with turf and landscaping. Over the past week, staff has been in communication with a couple neighbors who had concerns with the proposed project. The area between the property line and the dashed line on the site plan is a 20-foot public access and ingress/egress easement as well as a utility easement. The applicant has proposed to relocate this access easement so that it would come from the north and down the east side to serve the residential lots to the south. Ryan Road is part of the UCD owned property and is not a roadway that provides access to the parcels to the south. There is a utility easement that serves water for the adjacent properties and

further to the north. That is one of the items of concern for the neighbors.

The 8-foot wall is the only permanent construction that is proposed. Mobile sport fencing will be rolled out as needed to delineate the outfield. Due to the relocation of the access easement, the proposed landscaping is not right on the perimeter of the site but is brought inward to provide the access easement as well as the required amount of landscape. Ballfield lighting is exempt from the Code as long as they are turned off by 10 p.m. and meets the shielding requirements. The proposed locations of the 6 light poles were reviewed. The applicant is proposing to utilize the Musco lighting system which is fully shielded for limited light spill. In approving a use permit, four findings of fact are required. If the Commission does approve this request, staff has suggested deleting Condition 2. This suggestion is based on the Code requirement that no lighting be installed within the landscape setback; however, that section of the Code does not apply to the use proposed so this condition can be removed. Also, if the Commission does approve DR16-25, staff requests that Condition 3 regarding the light fixtures be deleted and replaced as follows:

Condition 3: The applicant shall identify approximate location of water services lines, of unknown size, within the existing 20' utility easement with submittal of construction documents. Applicant is to ensure service maintenance and restoration of said water service lines at, or better than, pre-construction condition.

Commission Comments / Questions

Vice Chair Bloomfield felt it sounded odd to have an access easement that drives down and around the sports field making four 90-degree turns to get to the residences. It seems like an odd condition to make around a school ball field. It sounds like staff is okay with it. He was curious as to how we came to that conclusion.

Ms. MacDonald stated the applicant has worked with those property owners on the relocation of the access easement and can better answer that question. Staff has reviewed the documents and the revised easement language and are comfortable moving forward as it does still provide access to those properties.

APPLICANT PRESENTATION

Chair Andersen invited the applicants to make a presentation.

Applicant Randy Hilleboe stated we are clearly faced with an interesting site to work with to expand Gilbert Christian Schools. We have worked closely with the neighbors to the south to ensure that we can provide the access to their parcel that they require since they are not allowed to utilize Ryan Road. We have also worked with them to ensure that during construction the utility lines that run to the north will be protected. We have also made sure that we are utilizing some of the best field lighting with excellent shielding characteristics that allow the light to be focused on the field.

Applicant Jim Demarchais advised that this additional land is a lease we have with the land owner. The purpose of that land lease was for a baseball field and the land owner has been aware of that from the very beginning. We have been paying rent to that land owner for over a year. We will help with any issues with the utilities and we want to be a blessing to the community.

Commission Comments / Questions

Commissioner Mackin asked about the term of the lease agreement with the adjacent property owners. In the event that a future agreement for this is canceled or negated with that lease agreement, what other plans are in place for mitigating that to be able to alter this project in the event the lease agreement expires?

The applicant stated the lease agreement was completely designed for this purpose. We have no use for the land except for baseball. They were very happy to do it as it was part of their property that they were not even using that now they are receiving income for it. At their last meeting with the property owner, their comment was that they were looking forward to attending some of our baseball games. The term of the lease is nine and a half years through December 31, 2029.

Public Comment

Chair Andersen invited members of the public to provide any comments. All of the lines were opened.

Gina Lopez, 2495 E. Superstition Drive, stated her house is located north of the property in question about 2 acres away from this site. She supports this project and it truly needs to be a win for all parties involved. Her property should not be harmed in any way nor should she be negatively impacted by it. The applicant and Ms. MacDonald both mentioned that they have been in contact with neighboring properties, although they have not been in contact with her to the north nor her neighbor also to the north. We are the ones who will be drastically impacted the most. The water line referenced is a big deal because of the history of the property. The plot map shows a 10-acre orange grove and the old Gilbert farmland. This 10 acres of dirt and the 10 acres of orange groves were not subdivided properly and they are landlocked. There is a million-dollar house sitting to the south that is legendary in Gilbert because it didn't have water forever and still does not. The only way to get water to her house back in 2007 was to run a private water line all the way down the 5 acres that run from Superstition Drive down to Ryan Road and all the way out to Greenfield Road. That was approved by the town back in 2007 and again in 2009. It took her moving mountains to get water to her house. This water line is a big deal. She needs to be able to maintain her water line because it is a 2-inch PVC pipe that is buried under dirt. She walks her water line regularly to check for breaks. If there will be a brick wall that takes a huge chunk of her vision away from her water line, she cannot maintain it. That is impeding her right as she owns access to that easement and no one asked her about it or contacted her about it. For Ms. MacDonald to say that she has recently been in communication with her is not true. She has email correspondence with Ms. MacDonald explaining this issue and the history of the land dated May 21, two months ago. She was reassured that an ALTA survey would be done and that all the easements and history of the land would be looked at so they could figure out exactly what they were going to do with this easement. Everyone knew it was a problem. She did not hear anything for two months. A neighbor told her about today's meeting with these two items coming up for approval. Yet she won't be able to access her water line or maintain it. They will put in grass and irrigation and a brick fence, and there will be foot traffic. All of which will put her fragile 2-inch PVC water line at risk. That line is not always 2 feet underground. In some places, the line might be 18 inches down. It was done by hand. She had permission for this special accommodation because the land is landlocked.

Ms. Lopez had discussions in May with Ms. MacDonald to bring all of this to her attention. She questioned why due diligence wasn't found then to have a true understanding of what the water lines look like. She had permission from the town to install the water lines. The meters are on Greenfield Road. At some point there was a solution to relocate the ingress/egress, although she felt it was odd to have it run down the street and turn multiple times and enter a property on the other side. That did not sit right or feel right or look right. Why were the water lines not discussed at the same time as that relocation? Why were those involved, the applicant, developer, engineers, not involved with the other development going on in the same area? Because our land is landlocked, these 20 acres are a big deal. They are almost the only ones left that haven't been sold to a developer to come in with a master-planned community or housing development. Immediately to the north of that, a housing development is going in. As part of that process, she was kept in the loop. She was contacted by the planners and the property owner numerous times on coming up with a solution that would work that would truly help the rest of the acreage so it doesn't stay

landlocked for future development. There is a water line going in at that property where it connects with the Gilbert Christian School property. Why is that not part of our discussions now of relocating these water lines? Is that something that is feasible or doable. Can we all agree to something like that? None of those questions or comments or proposals have been brought to the property owners to the north. That is what is concerning to her. In the staff reports that were submitted for Items 20 and 21, It states there were no comments from the community. That is wrong. Ms. Lopez has communicated to Ms. MacDonald back in May, although it didn't go anywhere.

One of the four findings that are required states the proposed use will not be detrimental to the health, safety, and general welfare of persons living or working in the vicinity, adjacent to the property, to the neighborhood, or the general public. That is not true. Her enjoyment of her health is being put at risk by these water lines being covered, being walked on, and driven on by equipment that will cause breaks. She cannot get into the brick wall to access her lines. Will she have to pay someone to dig up the gravel or grass to access her lines? The legal description moving the easement has already been signed by the one property owner with the lease. There are four separate property owners in this area, but only one signed that lease. The legality of the legal description is in question because they are incorrect. The legality of the lease and the acreage are in question. That particular owner does not own 2.6 acres. She will be looking into that as well.

James Brice pointed out that when the Gilbert Christian School was putting in their wall, his line was broken twice. He contacted them to complain because their water was off. Their response was to have him send the last month's and this month's water bill and they will reimburse him. Now there are two more breaks in his water line, which is only 3 inches deep in some places. He bought this house and inherited all of the problems. He has had countless breaks in his water line. We have to walk the line. There have been more than one occasion where the line was broken due to construction on Ryan Road or someone driving on the water line. There is a huge issue with his ingress/egress to that portion of 161 Street.

Amy Brice stressed that they need to have access to their water line. It is their right. It broke twice already. Having construction directly on it will cause it to break a million times. That will result in dirt in the lines which can cause bacteria and it will be detrimental to their health and safety.

James Brice noted they have lived here for 11 years and the soccer complex across the street which is well over a quarter away has given them issues because of the lighting. They had to plant oleanders to shade their house from the glow of the stadium lighting. Regardless of the shields, there will be a large glow and excess noise. They already have to listen to the kids yelling and the school has DJs out there all the time. There will be other issues once that baseball field is put in.

There were no further comments from the public. Chair Andersen offered the applicants an opportunity to respond to the comments.

APPLICANT RESPONSE

Jim Demarchais stated the homeowners have had issues with their water lines before we got there. We will take care of the portion that we are involved with. They are dealing with the land where the land owner is okay with this project and redirecting the easement access to their home. They are fine with us using this land as a baseball field. We are doing everything we can including using the more expensive field lights to make sure there is not light spillage onto other properties. Yes, you can see the soccer field lights all the way across the street. This is a school and there will be children there and they type of noise that is associated with a school. He felt the sound of children was a really great sound. They will do everything

they can to take care of any issues. The water line will be taken care of. They will certainly not put someone in a position where they do not have any water flow to their home. Part of the conditions instilled into this project is that they will take care of and maintain the water lines and replace any breaks at least at the level they are currently, although they would probably improve it.

Randy Hilleboe stated across the north section of the site, in addition to the access easement there is also a public water and sewer easement that runs there that does connect with the adjoining properties. In addition to maintaining what is existing there and protecting it in place as necessary during construction or planning an outage to bury it deeper and protect it further during construction, there is also the option once that other property to the north brings water to the area to connect those parcels. He was not sure what the comment Ms. Lopez made on the ALTA survey was related to. We have a title report and the ALTA survey to confirm the size of the property owned by Delores Lopez that is being leased currently by Gilbert Christian Schools. The nearest light to the Brice parcel is approximately 175 feet from their house. At the property line, they are at 0.2 foot-candles which is below what is allowable. We feel we are doing what we can to be responsible and correctly shield the adjacent parcels from the field lighting. The lighting will be used approximately 130 times from November to May and per code, the lighting will be turned off at 10 p.m. or upon conclusion of the baseball activity.

Commission Questions / Comments

Commissioner Cavenee asked if there was a plan to deepen some of the individual water lines?

Applicant Randy Hilleboe stated the first part of the construction will be to assess where those lines are, how they are constructed and how deep they are so we can then with the contractor create an approach to maintain their service during construction. If we have to bury the lines deeper to protect them, we would schedule an outage with them as the water is being changed over to a new line that is deeper.

Vice Chair Bloomfield stated with the access easement, the water line will also be relocated to be in the same access easement that is there. So it will be all outside of any block wall. He was not aware that they would put up a block wall along the back property.

Mr. Hilleboe stated the existing easement will be maintained on the west side of the additional parcel for the utilities. Those water lines will be maintained as they are. It is just the access easement that will be relocated around the outside of the parcel.

Vice Chair Bloomfield felt the easy solution would be just to replace that whole water line and put it all the way around the outside. He can't make the applicant do that, but it seems like an easy solution.

Ms. MacDonald asked the applicant to address access to the easement and the maintenance if there were outages or issues. There is a gate in one area.

Mr. Hilleboe stated the intent of the gate is to allow the shared easement users to be able to access their lines as noted in the original easement document. By protecting it further than it was when originally installed, he hoped the line would be safer after this project than it is currently. It is an open field right now. The gate is currently locked for child safety. We currently have it shown with a fire-type hasp device that utilizes two keys. It could be set up so the homeowners could have access. Again for child safety, he would hope the homeowners would work with Gilbert Christian School to schedule a time to do that. He asked staff if they knew the timing of the development to the north of the school's parcel?

Ms. MacDonald did not know where that development was in the process, although she will look up some

information.

Chair Andersen felt it would be very important for those homeowners to have access. If a gate could be provided to the neighbors to the north for their use to walk their lines, that would be beneficial.

It was Mr. Hilleboe's understanding that part of the town's request for the sewer and water easement across the north of their site was to tie in with the development to the north and allow for future development to the east of GCS where they are landlocked as Ms. Lopez mentioned. He felt at that time they could potentially bring their water service up to code by attaching to those new lines.

With no further questions, Chair Andersen closed the public hearing. He appreciated the residents who called in to provide their input.

Commission Discussion on UP20-03

Commissioner Cavenee had an opportunity years ago to build a ball field for a church in Gilbert. They used the most expensive Musco lights available with the shields to protect the adjacent neighborhood. He monitored that ball field for years after and never had a single complaint about light bleed. Musco makes a very good light. The glow can be seen from a distance but as far as impact to yards and homes, that lighting wasn't an issue. It is his experience that it will probably not be too problematic given that they are using the Musco lights. In terms of the water lines, it sounds like they are rather brittle lines and that is a concern. They are not robust copper lines. We want to make sure they do have access to see their lines. It sounds like GCS is willing to give them access and they are willing to fix the lines if there are problems during construction or use. It sounded like they were willing to deepen the lines or even shore them up with stronger materials if anything were to happen in the interim. It could be a win-win for the homeowners if in fact they do get a better line that is deeper in the end. Of course, that is not guaranteed here. It sounds like an effort to mitigate the concerns is out there. He thought that is the best we can ask for. He would encourage them to work together throughout the process.

Commissioner Mackin agreed with Commissioner Cavenee and felt the applicant was taking a reasonable approach in terms of seeking to improve or maintain those lines. That is definitely all you can ask for. Even after the project is completed, he would think there would be fewer instances of lines being damaged as opposed to them being set in loose soil. Once the ground is compacted and the improvements are made, that line may actually be more secure especially if it is placed deeper. He felt the applicant was taking very good and reasonable measures to mitigate that issue.

Vice Chair Bloomfield was taking a different approach. This looks and feels like pounding a square peg into a round hole. He gave kudos to the creativity of the School in expanding the offerings for their students. He gets frustrated when he sees schools come in and try to shoehorn themselves into whatever category is around them. Some do a good job with that and working with the neighbors and trying to mitigate their concerns. In this case, there are so few neighbors that it should be a reasonably easy exercise to visit with each of them to get their feedback. Even after six months, it does not sound like that has occurred here. He gets frustrated when development comes before us and we hear these reports. He will vote no on this one.

Commissioner Alibrandi stated we obviously want to balance the development and the school's needs, but we also need to do no harm. He asked what can be done as opposed to verbal assurances? Where is the good faith effort? We certainly don't want to create a problem and break lines and put people's daily routine at risk. He was concerned about this. He did not know what the purview of the Commission was to ensure that is done. Where is the proper balance? He did not want to try to delay this for months, but where do we

draw the line to ensure that the existing homeowners are not hurt. He understood Vice Chair Bloomfield's concerns, although he did not want to stand in the way of progress. We see a problem with an existing homeowner and he would hate to have them come back in three months and say we told you so.

Chair Andersen agreed. He asked for clarification that in order for this to get approved, the applicant has to show that they meet all four Findings of Fact.

Ms. MacDonald confirmed that all four findings need to be met. The Use Permit findings are specific to the ballfield lights. There are also five findings of fact in the staff report for the Design Review portion.

Vice Chair Bloomfield added that when we have development occur as a subdivision, they have to meet certain guidelines and requirements. That is very clearly dictated in the town requirements. In this case, this is what we would call a wildcat subdivision where it was just created by land splitting and lot splitting. There is no HOA, although that comes at a price and it is being paid for as we heard about tonight. There are plusses and minuses on both sides of this equation where you are not guaranteed because you are not part of a subdivision as to whatever level of care was taken by the developer. It is a cautionary tale on both sides.

Chair Andersen asked staff to show where the water line is cutting through on the site plan.

Ms. MacDonald pointed out the 20-foot wide easement is located between the darker property line and the lighter hash marks shown on the site plan. It runs along the entire length of the property. She understood in speaking with Ms. Lopez that it is located on the east side of this 20-foot easement.

Chair Andersen felt it was located fairly deep into the area they want to use. He had hoped it would be in the easement that was east of the masonry wall they are putting up. He asked if any of the Use Permit conditions were being modified?

Ms. MacDonald stated if the Commission is in agreement, Condition 2 for the Use Permit could be deleted as it is not a requirement for the baseball field, but relates to other types of lighting. For the Design Review, that is Condition 3.

Commissioner Alibrandi asked for clarification that the Commission was only commenting on the lights at this point. The water issue is not in front of us at this point.

Ms. MacDonald stated the Use Permit is solely related to the lights. Item 21 DR15-25B is related to the site plan and the expansion onto the additional acreage.

Commissioner Cavenee noted this easement runs along the west side of the residential lots and now the center of left field. If this ballfield were not here, what could be built there and how close to that setback could those structures or features get? Is this all residential land SF-43? Could a structure be built near it, on it, or over it?

Ms. MacDonald advised that it is zoned SF-43. She did not know the setbacks off the top of her head. It would depend on whether it was a residential use or a non-residential use that is allowed in SF-43.

Commissioner Cavenee understood that it is SF-43 and it does have a setback of some distance off of the property line. All that is being built here is a wall, but the actual water line is predominantly covered by ballfield.

Ms. MacDonald stated that was correct.

Chair Andersen called for a motion on the Use Permit case.

MOTION: Commissioner Cavenee moved to make the Findings of Fact and approve UP20-03, Gilbert Christian School, Titan Solar Field: a Conditional Use Permit for approximately 11.01 acres located at the northeast corner of Greenfield Road and Ryan Road to allow outdoor recreational field lighting in the Single Family-43 (SF-43) zoning district, subject to the conditions set forth in the Staff Recommendation, and deleting Condition 2 as requested; seconded by Commissioner Simon. **Motion passed 6-1**, with Vice Chair Bloomfield opposed.

Commission Discussion on DR16-25B

Chair Andersen confirmed that this case would take into account the discussion of the water lines.

Ms. MacDonald stated that was correct. If the Commission is considering approval, staff requests that Condition 3 regarding the lights be removed and replaced with a new Condition 3 to address the water lines.

Commissioner Cavenee felt the new Condition 3 appears as though we will have documented requirements that the homeowners can access their lines and that they will be repaired to a better-than condition than it is now. He is very sensitive to the homeowners' sensitivity to access and see their lines. It seems like that is a regular routine that is needed because of the condition of the current line. He wanted to help them maintain that and it sounds like that is done here.

Vice Chair Bloomfield agreed and felt it will not be in the school's best interest to have that water line break right in the middle of a ballfield with grass and irrigation. They will take care of it.

Commissioner Cavenee understood that the lines are now in loose soil, but will be in the future in compacted soil that is irrigated regularly so it will have a normal water content which will increase density of those soils and compaction. He felt they would have better protection in the long run as was suggested earlier because of that regular maintenance of the soil and the turf. He saw it as a probable better condition even if the lines are not replaced during construction.

Commissioner Alibrandi was concerned about the second homeowner's comment that when they ran their line, they were not necessarily as deep as 18 inches. It will fluctuate doing it by hand. He was torn. As a sign of good faith, the applicant may agree to run a new line from top to bottom while they were ripping it up anyway. Or they could run the line, as Chair Andersen noted earlier, outside the wall for access. These may be expensive solutions and Commissioner Alibrandi is not writing the checks. He was looking for the balance here without turning this into a Hoover Dam project.

Commissioner Cavenee noted if the lines are as shallow as suggested, the wall footings could be in conflict. So they will have to dip those lines at those points if the whole stretch is not replaced.

Vice Chair Bloomfield agreed, although it sounded like the person with the possible 3-inch line was in a different section, not necessarily across this portion of the ballfield. His was different than what Ms. Lopez was talking about. That homeowner did say that it comes all the way down that easement and then along Ryan out to Greenfield. So it could be anywhere in that portion. You wouldn't want that condition on a ballfield, especially running mowing equipment and different things over it during construction. They would push those lines down and out of the way below all of the irrigation.

Commissioner Cavenee noted that the applicant mentioned their first phase was to identify the location of those water lines, assess the condition, and address it. They are hyper-focused on it and hopefully, this gives them additional rationale to focus on it and make sure the neighbors are taken care of.

Attorney Nancy Davidson advised that the Town Engineer said that if the applicant agreed to replace the lines to a minimum depth of 2 feet, that would be very reasonable and not costly. If the Commission needs to speak to the Town Engineer, we may be able to get him on line.

Commissioner Cavenee would agree that if it stays PVC and the lines are just deepened, it would not be that expensive.

Vice Chair Bloomfield stated the School will put three times that much irrigation line in there anyway and would be trenching.

Commissioner Alibrandi stated if this work is done *a priori* as part of the construction project, he would have no problem with it. The applicant would have to commit to that if that is allowed by our portfolio.

Chair Andersen stated there is a double gate on the north wall and that gate can be located so it straddles over those pipelines so that there is not a footing sitting on top of them.

Applicant Jim Demarchais wished to address the Commission. Chair Andersen advised that they have already closed the public hearing and are discussing the matter on the dais.

Commissioner Mundt confirmed that this was potable water. If these are utilities that are distributing town water, then usually any construction would require utility finding. If these lines were grandfathered in, the code should require exactly what we are talking about, unless he was misinterpreting the legality of those lines. There should be some continuity of how that process would take place. That may be a question for the Town Engineer as well.

Chair Andersen asked if the Commission was comfortable that the conditions shown on the screen would address the concerns of the neighbors to the north and that it is fair to the School? If so, he would entertain a motion.

MOTION: Commissioner Cavenee moved to approve the Findings of Fact and approve DR16-25B, Gilbert Christian School, Titan Solar Field: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 11.01 acres, generally located at the northeast corner of Greenfield Road and Ryan Road, and zoned Single Family-43 (SF-43), subject to the conditions set forth in the Staff Recommendation, removing the original Condition 3 regarding light fixtures and replacing it with the new Condition 3 as follows:

Condition 3: The applicant shall identify approximate location of water services lines, of unknown size, within the existing 20' utility easement with submittal of construction documents. Applicant is to ensure service maintenance and restoration of said water service lines at, or better than, pre-construction condition.

The motion was seconded by Commissioner Simon. **Motion passed 5-2**, with Vice Chair Bloomfield and Commissioner Alibrandi opposed.

ADMINISTRATIVE ITEMS

- 22. Planning Commission Minutes** – Consider approval of the minutes of the Study Session and Regular Meeting of July 1, 2020.

Commissioner Alibrandi noted that he was present at the July Study Session, although he was mistakenly listed as absent on the attendance. He asked that the minutes be amended to reflect that correction.

MOTION: Vice Chair Bloomfield moved to approve the minutes of the Study Session and Regular Meeting of July 1, 2020 with the correction to the attendance as noted; seconded by Commissioner Cavenee. **Motion passed 7-0.**

- 23. Executive Session** – The Public Body may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

Eva Cutro advised that this item was placed on the agenda to allow the Commission to go into Executive Session at any time as necessary. It will be standard language on the agenda, but the Commission is not required to go into Executive Session.

- 24. Report from Chairman and Members of the Commission on current events.**

There were no reports.

- 25. Report from Planning Services Manager on current events.**

Eva Cutro reported that as of 5:38 p.m. the unofficial election results came in and the General Plan looks like it will be approved with an 81% vote. Chair Andersen appreciated everyone who put their time in working on the General Plan.

ADJOURN

With no further business before the Planning Commission, Chair Andersen adjourned the Regular Meeting at 8:32 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary